

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLAYTON ANDREW PERRY, et  
al.,

Plaintiffs,

v.

MATTHEW EPSTEIN, JACOB Y.  
CUADREZ, STEVE HEISINGER,  
IAN MADDISON, MILL VALLEY  
POLICE DEPARTMENT, AND  
CITY OF MILL VALLEY,

Defendants.

No. C 05-4686 WDB

INTERIM PRE-TRIAL ORDER  
FOLLOWING TELEPHONIC STATUS  
CONFERENCE

On August 29, 2006, the Court conducted a further telephonic status conference in this matter. For reasons more fully explained on the record, the Court VACATES the Updated Joint Status Report signed and filed by the Court on July 25, 2006 and, instead, in an effort to facilitate settlement, enters the following interim pre-trial ORDERS:

1. **Between now and December 1, 2006**, counsel must complete the depositions of Plaintiffs, Clayton and Lucas Perry, and Defendants, Officers Matthew Epstein, Jacob Cuadrez, and Steve Heisinger. Because these depositions will be taken without the benefit of full production of documentary evidence, should there later arise a *reasonable* need for a second deposition of any of the five parties listed above, based upon further evidence that comes to light, a focused follow-up deposition may be taken by stipulation or, if counsel cannot agree, by order of the Court.

1           2.     The parties indicated on the record that they would be amenable to  
2 participating in a settlement conference before a Magistrate Judge of this court. The  
3 Court therefore VACATES the ENE session currently set for September 7, 2006 and  
4 REFERS this matter to a Magistrate Judge for settlement for a date to be set during the  
5 **first two weeks of December, 2006.**

6           3.     **By Friday, September 15, 2006**, Defendants must lodge (not file) with this  
7 Court for *in camera* review portions of the personnel files of Officers Epstein, Cuadrez  
8 and Heisinger regarding any disciplinary proceedings or complaints (from within or  
9 outside the Mill Valley police department) about conduct arguably similar to any of the  
10 misconduct alleged by Plaintiffs here. If the officers' personnel files do not include any  
11 relevant information, Defendants must submit a letter to the Court so stating.

12           4.     **By Friday, September 15, 2006**, Defendants must send to Plaintiffs police  
13 reports, if any, from the six events described by Plaintiffs in Plaintiffs' Response to  
14 Interrogatory No. 1 in Defendants' First Set of Interrogatories. If a report for any of the  
15 six events does not exist, Defendants must send a letter to Plaintiff so stating.

16           5.     **On Thursday, January 11, 2007 at 1:30 p.m.**, the parties must appear for  
17 a further telephonic status conference at which time, unless the case has settled, the Court  
18 will set a trial date. To appear, counsel for Plaintiff must get all counsel on the line and  
19 call the Court at (510) 637-3909. **By Monday, January 8, 2007 at noon**, the parties  
20 must file a Joint Updated Case Management Statement that identifies discovery that  
21 remains to be completed and sets forth a schedule for it, identifies any contemplated  
22 motions, and suggests dates for discovery cut off and trial.

23 IT IS SO ORDERED.

24 Dated: August 30, 2006

/s/ Wayne D. Brazil

25 WAYNE D. BRAZIL  
26 United States Magistrate Judge

27 Copies to:  
28 Parties, WDB, Stats, WH, ADR